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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **HALLIE ANNETTE CORWIN**
13 **15329 Oak Tree Drive, Apt. 104**
14 **Lake Elsinore, CA 92532**
Registered Nurse No. 571599

15 Respondent.

Case No. **2010 - 209**
A C C U S A T I O N

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about September 8, 2000, the Board of Registered Nursing issued Registered
23 Nurse license Number 571599 to Hallie Annette Corwin (Respondent). The Registered Nurse
24 license was in full force and effect at all times relevant to the charges brought herein and will
25 expire on November 30, 2009, unless renewed.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof.

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9 8. Section 2765 provides:

10 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
11 charge substantially related to the qualifications, functions and duties of a registered nurse is
12 deemed to be a conviction within the meaning of this article...."

13 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
14 revoke a license on the ground that the licensee has been convicted of a crime substantially
15 related to the qualifications, functions, or duties of the business or profession for which the
16 license was issued.

17 10. California Code of Regulations, title 16, section 1444, states:

18 "A conviction or act shall be considered to be substantially related to the qualifications,
19 functions or duties of a registered nurse if to a substantial degree it evidences the present or
20 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
21 safety, or welfare...."

22 11. Section 493 of the Code states:

23 Notwithstanding any other provision of law, in a proceeding conducted by a
24 board within the department pursuant to law to deny an application for a license or
25 to suspend or revoke a license or otherwise take disciplinary action against a person
26 who holds a license, upon the ground that the applicant or the licensee has been
27 convicted of a crime substantially related to the qualifications, functions, and duties
28 of the licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially
related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
'registration.'

12. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to
evaluate the rehabilitation of a person when:

1 (a) Considering the denial of a license by the board under Section 480; or

2 (b) Considering suspension or revocation of a license under Section 490.

3 Each board shall take into account all competent evidence of rehabilitation
4 furnished by the applicant or licensee.

5 13. Title 16, California Code of Regulations section 1445, subdivision (b), provides the
6 following criteria for evaluating the rehabilitation of a licensee as follows:

7 When considering the suspension or revocation of a license on the grounds
8 that a registered nurse has been convicted of a crime, the Board, in evaluating the
9 rehabilitation of such person and his/her eligibility for a license will consider the
10 following criteria:

11 (1) Nature and severity of the act(s) or offense(s).

12 (2) Total criminal record.

13 (3) The time that has elapsed since commission of the act(s) or offense(s).

14 (4) Whether the licensee has complied with any terms of parole, probation,
15 restitution or any other sanctions lawfully imposed against the licensee.

16 (5) If applicable, evidence of expungement proceedings pursuant to
17 Section 1203.4 of the Penal Code.

18 (6) Evidence, if any, of rehabilitation submitted by the licensee.

19 FIRST CAUSE FOR DISCIPLINE

20 (April 23, 2009 Conviction for DUI on February 13, 2009)

21 14. Respondent is subject to disciplinary action under Code sections 490 and 2762(c) for
22 conviction of a crime that involves the consumption of alcoholic beverages in that in *People of*
23 *the State of California v. Hallie Annette Corwin*, Riverside Superior Court, Case No.

24 SWM084273, Respondent was convicted on her guilty plea of violating Vehicle Code section
25 23152(a), driving under the influence of alcohol and Vehicle Code section 23152(b), driving
26 under the influence of alcohol with a 0.08% BAC or greater, both misdemeanors.

27 15. The circumstances are as follows: On or about 10:29 p.m. on February 13, 2009, two
28 officers of the Riverside County Sheriff's Department, in full uniform in an unmarked patrol car,
were in the area working a special DUI enforcement program. The officers were stopped in the
In-N-Out Burger drive thru located in Lake Elsinore. While the officers waited for their order,
the manager of In-N-Out Burger approached them and told them a woman, later identified as the
Respondent, in the fourth car behind them was asleep behind the wheel and was causing a back

1 up. The manager went to Respondent's car and had to beat on her window to wake her.
2 Respondent told him that she had placed an order, although she had not. Following the report of
3 Respondent's behavior, the officers approached Respondent's car. When asked if she had fallen
4 asleep, she stated the line was taking too long and she had fallen asleep. The officer noticed that
5 Respondent's eyes were bloodshot and watery, her speech was slurred and her lips were stained
6 with what appeared to be red wine. Respondent subsequently admitted she had two glasses of
7 Merlot.

8 16. Respondent failed the field sobriety tests. Respondent consented to undergoing a
9 preliminary breath test, which resulted in readings of 0.14 BAC and she was arrested. She elected
10 to submit to another breath test instead of a blood test. The breath test resulted in readings of 0.13
11 and 0.14 BAC.

12 17. Respondent was charged with driving under the influence in violation of Vehicle
13 Code section 23152(a), and driving under the influence with a blood alcohol content of 0.08% or
14 greater in violation of Vehicle Code section 23152(b).

15 18. As a result of Respondent's guilty plea to both charges, Respondent was granted
16 summary probation for 3 years, ordered to serve 6 days in county jail, required to complete a
17 Sheriff's Labor program, to pay fines and fees of \$2,069.97 and attend a first offender DUI
18 program for 4 months.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct -Conviction of Crime Substantially** 21 **Related to Qualifications, Functions and Duties)**

22 19. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) for
23 conviction of a crime that is substantially related to her qualifications, functions and duties as a
24 registered nurse in that in *People of the State of California v. Hallie Annette Corwin*, Riverside
25 Superior Court, Case No. SWM084273, Respondent was convicted on her guilty plea of violating
26 Vehicle Code section 23152(a), driving under the influence of alcohol and Vehicle Code section
27 23152(b), driving under the influence of alcohol with a 0.08% BAC or greater, as more fully set
28 forth in paragraphs 14-18, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Use of Alcoholic Beverage)**

3 20. Respondent is subject to disciplinary action under Code section 2762(b) in that on
4 February 13, 2009, Respondent used alcoholic beverages to an extent or in a manner dangerous or
5 injurious to herself or the public, as more fully set forth in paragraphs 14-18, above.

6 **PRAYER**


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse license Number 571599, issued to Hallie
10 Annette Corwin.

11 2. Ordering Hallie Annette Corwin to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: 10/14/09


18 LOUISE R. BAILEY, M.ED., RN
19 Interim Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
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